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CENTRAL FAX CENTER****OCT 18 2006****REMARKS:****Nonfinal Action**

In an interview graciously granted by the Examiner on August 10, 2006, the Examiner confirmed that the office action mailed July 20, 2006 is nonfinal, as noted on PTOL-326.

Claims 23 and 27

Claims 23 and 27 have been rejected under 35 USC 102(b) as being anticipated by Schlomka (EP0866464).

Claim 23 was previously amended to require that the ribs do not encircle the electronic device. Support for this amendment is found in FIGS. 11 and 12.

In sharp contrast, Schlomka's straps 40 encircle the suspended object 21. *See* Schlomka FIG. 1. Because the amendments to claim 23 have introduced features not found in Schlomka, claim 23 is believed to be allowable.

Claim 27 depends from claim 23, and therefore incorporates the limitations of claim 23. Accordingly, claim 27 is also believed to be allowable over Schlomka.

Claims 1-11 and 23-24

Claims 1-11 and 23-24 have been rejected under 35 USC 102(b) as being anticipated by Phillips et al. (US5823348).

Claim 1 has been further amended to require that a portion of the frame is positioned along at least three sides of the electronic device, the resiliently elastic material wrapping around the entire length of the outer periphery of the portion of the frame, as shown, for example, in FIGS. 6A-10 and 12 of the present application. In sharp contrast, Phillips' straps 32 do not encircle the outer periphery of the portion of the frame 12 that is positioned along three sides of the object being supported. *See* Phillips FIGS. 1-3, 6 and 8. Rather, the straps are only coupled to a portion 40 of the frame located along one side of the object being supported. Because the amendments to

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claim 1 have introduced features not found in Phillips, claim 1 is believed to be allowable.

Claims 2-11 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 2-11 are also believed to be allowable over Phillips.

Additionally, claim 2 has been amended to require that the portion of the frame located along the at least three sides of the electronic device is a unitary structure. In sharp contrast, Phillips straps are coupled to separable pieces 40.

Additionally, claim 5 has been amended to require that the resiliently elastic material forms a complete loop around the portion of the frame [that is positioned along at least three sides of the electronic device]. This feature is not found in Phillips.

Claim 23 was previously amended to require that the ribs do not encircle the electronic device. Claim 23 has been further amended to require at least three ribs are present. Support for this amendment is found in FIG. 11. This configuration has the benefit of reducing both lateral and forward/back motion of the device. In sharp contrast, Philips discloses only two straps. Because the amendments to claim 23 have introduced features not found in Phillips, claim 23 is believed to be allowable.

Claim 24 depends from claim 23, and therefore incorporates the limitations of claim 24. Additionally, claim 24 has been amended to define placement of three of the ribs. This feature is not found in Phillips. Accordingly, claim 24 is also believed to be allowable over Phillips.

Reconsideration and allowance of claims 1-11 and 23-24 is respectfully requested.

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Claims 12-22 and 25-27

Claims 12-22 and 25-27 have been rejected under 35 USC 103(a) as being obvious over Phillips in view of Schlomka.

The analysis of obviousness was set forth in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). In order to establish a *prima facie* case of obviousness, three basic criteria must be met:

First, there must be some *suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings of the references. Second, there must be a *reasonable expectation of success*. Finally, the prior art reference or combined references must teach or suggest *all the claim limitations*. *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art*, and not based on applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991; emphasis added).

Claims 12-14 depend from claim 1. Applicants respectfully assert that the amendment to claim 1 overcomes the rejection of claims 12-14. Specifically, the combination proposed in the rejection would fail at least the third element of the *Graham* test as applied to claim 1 (as newly amended), and its dependent claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 1 has been amended to require that a portion of the frame is positioned along at least three sides of the electronic device, the resiliently elastic material wrapping around the entire length of the outer periphery of the portion of the frame.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. *See Schlomka* FIG. 1. Likewise, Phillips' straps 32 are not wrapped around an entire length of an outer periphery of the frame 12. Rather, the straps 32 are

each detachably coupled to a single side of the frame 12. *See* Phillips FIGS. 1-3, 6 and 8. Because the amendments to claim 1 have introduced features not found or suggested in either Schlomka or Phillips or by a combination of the two, claim 1 is believed to be allowable.

Claims 12-14 depend from claim 1, and therefore incorporate the limitations of claim 1. Accordingly, claims 12-14 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

Claim 15 has been amended to require that the elastic material is wrapped around at least a portion of the frame such that the elastic material forms an effectively continuous single loop around an outer periphery of the frame located therealong and the electronic device. Support for this amendment is found in FIGS. 6A-C, 7, 8, 9A-B, 10 and 12.

In sharp contrast, Schlomka's straps 40 do not even extend to an outer periphery of the frame 12. *See* Schlomka FIG. 1. Likewise, Phillips' straps 32 do not form a single loop around the outer periphery of the frame 12 and the electronic device. *See* Phillips FIGS. 1-3, 6 and 8. Because the amendments to claim 15 have introduced features not found or suggested in either Schlomka or Phillips or by a combination of the two, claim 15 is believed to be allowable.

Claims 16-22 depend from claim 15, and therefore incorporate the limitations of claim 15. Accordingly, claims 16-22 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

Additionally, claim 18 requires a rib and an elastic material. In sharp contrast, Both Phillips and Schlomka have only pairs of identical straps holding the object. Nowhere does Phillips or Schlomka indicate that a rib may also be present in addition to their straps for further restricting movement of the object being held.

Regarding claim 19, the claim requires that the electronic device is fixedly coupled to the elastic material. In sharp contrast, it is clear that Schlomka's object 20 is

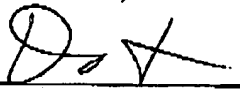
not fixedly coupled to the straps 40. See Schlomka Fig. 1. Likewise, Philips' object is merely held in place by tension on the straps, and is not fixedly coupled to them. Accordingly, the rejection fails the third prong of the *Graham* test.

Claim 23 was previously amended to require that the ribs do not encircle the electronic device. Claim 23 has been further amended to require at least three ribs are present. Support for this amendment is found in FIG. 11. This configuration has the benefit of reducing both lateral and forward/back motion of the device. In sharp contrast, both Schlomka and Philips disclose only two straps. Because the amendments to claim 23 have introduced features not found or suggested in either Phillips or Schlomka or by a combination of the two, claim 23 is believed to be allowable.

Claims 25-27 depend from claim 23, and therefore incorporate the limitations of claim 23. Accordingly, claims 25-27 are also believed to be allowable over the proposed combination of Phillips and Schlomka.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. HSJ920030211US1).

Respectfully submitted,

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